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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

Case No. 2:10-cr-00399-MMD-GWF

10 Plaintiff,

11 v.

ORDER


12 PAUL WAGNER,

13 Defendant.

14 Before the Court is counsel for Defendant Paul Wagner's Motion to Withdraw.
15 (Dkt. no. 173.) The Motion to Withdraw was filed the same day that a Notice of Appeal
16 was filed. Because of the pending appeal, the Court lacks jurisdiction to take action on
17 this motion. *U.S. v. Vroman*, 997 F.3d 627, 627 (9th Cir. 1993) (filing of notice of appeal
18 "divests the district court of its control over the aspects of the case involved in the
19 appeal") (*quoting Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)).

20 IT IS THEREFORE ORDERED that the Motion to Withdraw (dkt. no. 173) shall be
21 referred to the Ninth Circuit Court for its consideration.

22 DATED THIS 12th day of September 2013.
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25 
26 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE
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